



House of Representatives

General Assembly

File No. 376

January Session, 2015

House Bill No. 6869

House of Representatives, April 1, 2015

The Committee on Insurance and Real Estate reported through REP. MEGNA of the 97th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING AUTOMOTIVE GLASS WORK APPOINTMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-354a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) No automobile physical damage appraiser shall require that
4 automotive glass work, as defined in section 20-330, should or should
5 not be performed in or by a specified facility or glass shop.

6 (b) No insurance company doing business in this state or third-party
7 claims administrator, agent or adjuster for such company shall (1)
8 require any insured to use a specific person for the provision of
9 automotive glass work, [or] (2) state that choosing a facility other than
10 a glass shop participating in an automotive glass work program
11 established by such company will result in delays in or a lack of
12 guarantee for the automotive glass work, or (3) schedule an
13 appointment for automotive glass work for an insured.

14 (c) [(1)] If there is any communication between a glass claims
15 representative for an insurance company doing business in this state or
16 a third-party claims administrator for such company and an insured
17 regarding automotive glass work or automobile glass products, in the
18 initial contact with the insured, such representative or claims
19 administrator shall state or disclose to the insured a statement
20 substantially similar to the following: "You have the right to choose a
21 licensed glass shop where the damage to your motor vehicle will be
22 repaired. If you have a preference, please let us know."

23 [(2) No glass claims representative for an insurance company doing
24 business in this state or a third-party claims administrator for such
25 company shall provide an insured with the name of, schedule an
26 appointment for an insured with or direct an insured to, a licensed
27 glass shop that is owned by (A) such company, (B) such claims
28 administrator, or (C) the same parent company as such insurance
29 company or claims administrator, unless such representative or claims
30 administrator provides the insured with the name of at least one
31 additional licensed glass shop in the area where the automotive glass
32 work is to be performed.]

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2015	38a-354a
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INS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill prohibits an insurance company from scheduling an appointment for auto glass work on behalf of an insured. As this concerns private insurance transactions, there is no state or municipal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 6869****AN ACT CONCERNING AUTOMOTIVE GLASS WORK APPOINTMENTS.****SUMMARY:**

This bill prohibits an insurer or its third-party administrator (TPA), agent, or adjuster from scheduling an insured's appointment for automotive glass work. The law, unchanged by the bill, prohibits such insurers and third-party individuals from (1) requiring an insured to use a specific person for automotive glass work and (2) telling an insured that choosing a repair facility that does not participate in its automotive glass program will result in delays or unguaranteed work.

The bill also repeals an auto glass repair provision prohibiting glass claims representatives or TPAs from giving the name of a glass shop or scheduling an appointment for an insured with a glass shop owned by the (1) insurer, (2) TPA, or (3) parent company of either, unless they also provide the name of at least one other repair shop. The 2nd Circuit U.S. Court of Appeals ruled that requiring insurers or TPAs to give insureds a competitor's contact information violates their free speech rights under the U.S. Constitution (*Safelite Group, Inc. v. Jepsen*, 764 F.3d 258 (2d Cir. 2014)). It is unclear whether the bill raises similar constitutional questions.

EFFECTIVE DATE: October 1, 2015.

BACKGROUND***Related Bill***

HB 6678, favorably reported by the Insurance and Real Estate Committee, also repeals the provision requiring an insurer's representative or TPA to provide an insured with the name of at least one other automotive repair shop.

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable

Yea 11 Nay 7 (03/17/2015)